



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,641	08/31/2001	Hisashi Ohki	1614.1186	8812
21171 7590 04/03/2009 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
LIANG, REGINA				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
04/03/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/942,641

Applicant(s)

OHKI ET AL.

Examiner

Regina Liang

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8, 10-13, 15-18, 20-23, 25-29 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10-13, 15-18, 20-23, 25-29 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This Office Action is responsive to amendment filed 2/2/09. Claims 1, 3-8, 10-13, 15-18, 20-23, 25-29, 32-34 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1, 3-8, 10-13, 15-18, 20-23, 25-29, 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollon (US 5,768,164) in view of Yutaka et al (JP 9026832 hereinafter Yutaka) and Kasahara et al (US 5,151,696 hereinafter Kasahara).

As to claims 1, 5, 7, Figs. 1 and 2 of Hollon discloses an electronic apparatus, comprising:

a main body (10);

a lid configured to open to an open position (see Fig. 1) and to close to a closed position (see Fig. 2) with respect to the main body; a main display section (20) provided on the lid at a position visible from an outside of the electronic apparatus in the open position of the lid (see Fig. 1);

an auxiliary display section provided on the main body at a position visible from the outside of the electronic apparatus regardless of whether the lid is in the open position and the closed position (the auxiliary display section 21 is visible when the lid is in open position as shown in Fig. 1 and the auxiliary display second 39 is visible when the lid is in closed position as shown in Fig. 2);

a plurality of buttons provided on the main body, adjacent the auxiliary display section, at positions such that the plurality of buttons are operable regardless of whether the lid is in the open position and closed position (buttons 11-18 are operable when the lid is in the open position as shown in Fig. 1, buttons 31-38 are operable when the lid is in the closed position as shown in Fig. 2);

a controller (Fig. 8) configured to display definitions or meanings of the plurality of buttons, within the auxiliary display section (39) at positions corresponding to the respective plurality of buttons, depending on an operation mode (mode select button 31) of the electronic apparatus (see Figs. 3-7, and col. 3, lines 6-22).

Hollon does not disclose the auxiliary display section the plurality of buttons remain visible from the outside of the electronic equipment in an intermediate position between the open and closed positions of the lid. Yutaka is cited to teach a portable display including an auxiliary display/input section (20) for displaying information such as time and schedule, the display of a page calling, the reception of a mail, and a pocket electronic calculator. The auxiliary display/input section 20 is disposed in a location that continuously displays the functions for 24 hours and it can be seen all the time in each of open position of the lid, closed position of the lid and an intermediate position between the open and closed positions of the lid (Figs. 1 and 2). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Hollon to place the auxiliary display and buttons at a location as taught by Yutaka so that the information displaying on the auxiliary display can be seen all the time and can be used more easily and continuously.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Hollon to place the auxiliary display and the buttons at a location as claimed, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

It is noted that Hollon as modified by Yutaka does not disclose outputting codes as a result of an operation of each of the plurality of buttons correspond to instructions for each of the plurality of buttons and the instructions differ depending on the operation mode of the electronic apparatus. However, Kasahara teaches a multi-function keyboard having a plurality of manipulating buttons (30, Fig. 1), a mode switch (6) is selectively selecting a plurality of modes for the plurality of buttons. Kasahara also teaches to output the codes as a result of an operation of each of the plurality of buttons correspond to instructions for each of the plurality of button and the instructions differ depending on the operation mode of the electronic apparatus (see Figs. 3A-3D, and col. 6, lines 40-54 for example). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Hollon as modified by Yutaka to have the feature of outputting codes as taught by Kasahara so as to provide an inexpensive multi-function control apparatus which is capable of controlling or manipulating a multiplicity of functions of an apparatus to be controlled (col. 2, lines 3-17 of Kasahara).

As to claim 3, Hollon teaches the plurality of buttons (32-38 in Figs. 3-7) are all provided below the auxiliary display section (39).

As to claims 4, 6, and 8, Figs. 3-7 of Hollon teaches the operation mode includes at least two modes such as a portable recording medium (phone book mode in Fig. 5, CD player mode in Fig. 7) and a mail mode (PC mode in Fig. 6) as claimed.

As to claims 10, 15, 20, Hollon teaches another auxiliary display section that is covered by the lid when the lid is closed (e.g., the main display including more than one display sections or windows).

As to claims 11, 16, 21, Hollon teaches the main body accommodates the controller, the lid member is pivotally mounted on the main body, and another auxiliary display section that is provided on the lid member (e.g., the main display including more than one display sections or windows).

As to claims 12, 17, 22, Fig. 1 of Hollon shows the lid is mounted to the main body for rotation between the opened and closed positions thereof.

As to claims 13, 18, 23, Hollon teaches the main display is mounted on a main surface of the lid, in the closed position of the lid, opposed a corresponding main surface of the main body.

As to claims 25, 26, Figs 3-7 of Hollon teaches the plurality of buttons (31-38) are positioned below the auxiliary display section (39).

As to claims 27-29, Hollon as modified by Yutaka would have the main and auxiliary section display sections and the plurality of buttons are visible from a common viewing position as claimed.

As to claim 32, Figs. 3-7 of Hollon teaches the plurality of buttons (31-38) include a mode select button (31) configured to instruct the operation mode of the electronic apparatus and

a plurality of instruction button (32-38) having instructing contents that differ depending on the operation mode of the electronic apparatus.

As to claim 33, Fig. 8 of Hollon teaches an ASIC register (84), a high-speed bus (80) and a character display interface as claimed (col. 3, lines 34-41 for example).

As to claim 34, Hollon teaches a procedure causing the computer to carry out an arbitration of messages from an application layer of a higher level (col. 18-21).

Response to Arguments

4. Applicant's arguments filed 2/2/09 have been fully considered but they are not persuasive.

Applicant's remarks regarding Kasahara on page 8 are not persuasive. The multi-function keyboard in a remote controller of Kasahara is an electronic apparatus, although the remote controller is used to control another electronic apparatus, the multi-function keyboard in the remote controller itself is part of the electronic apparatus. Furthermore, the modes switches (modes I, II and III) in Kasahara are the multi-function modes of the keyboard and correspond to modes of the keyboard (electronic apparatus).

In response to applicant's argument that "Also, it would not have been obvious, as the Examiner contends, to one of ordinary skill in the art to modify the apparatus of Hollon nor Yutaka et al to output codes as taught by Kasahara et al because Kasahara et al requires an additional apparatus (a remote control) in order to perform the function of outputting the codes. Thus, the principle of operation of the apparatus of Hollon nor Yukaka et al would be changed" (remarks on pages 8-9), the test for obviousness is not whether the features of a secondary

reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Kasahara is relied upon to teach the feature of outputting code based on the current operation mode, and not for the remote control function as erroneously alleged by applicant, therefore the combination does not change the principles of operation for Hollon nor Yutaka.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Regina Liang/
Primary Examiner, Art Unit 2629